

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOCUMENT
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PAUL HARDEN, :
Plaintiff, :
: v. :
SERGEANT SIHEED and LORIE BADGER, :
Defendants. :
-----x

AMENDED
ORDER OF SERVICE

19 CV 3839 (VB)

Briccetti, J.:

Plaintiff, who is proceeding pro se and in forma pauperis, brings this action under 42 U.S.C. § 1983, alleging defendants violated his constitutional rights. (Doc. #2).

On November 7, 2019, the Court issued an Order of Service directing service of the second amended complaint on the two named defendants. (Doc. #18). The service receipt for defendant Sergeant Siheed was returned unexecuted with the following notation: “No longer works at above address.” (Doc. #25).

Accordingly, by Order dated January 30, 2020, the Court instructed the Attorney General’s Office (“AG”) to either: (i) inform the Court that it has accepted service on behalf of defendant Siheed; or (ii) provide an address where this defendant may be served; or (iii) provide any other information that may assist the Court in effectuating service of process.

By letter dated February 11, 2020, the AG notified the Court that defendant Sergeant Siheed’s “correct spelling is Sahad,” and provided an address at which this defendant may be served. (Doc. #27).

Accordingly, the Court will direct the Clerk of Court to add Sergeant Sahad to the docket as a defendant in this case, and to terminate Sergeant Siheed as a defendant.

In addition, to allow plaintiff to effect service on defendant Sergeant Sahad through the U.S. Marshals Service, the Clerk is instructed to fill out a U.S. Marshals Service Process Receipt

and Return form (“USM-285 form”) for this defendant. The Clerk is further instructed to issue a summons listing this defendant and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon this defendant. The service address for this defendant is appended to this Order.

It is plaintiff’s responsibility to ensure that service is made within 90 days of the date the summons is issued and, if necessary, to request an extension of time for service. See Meilleur v. Strong, 682 F.3d 56, 63 (2d Cir. 2012).

Plaintiff also must notify the Court in writing if his address changes, and the Court may dismiss the action if he fails to do so.

CONCLUSION

The Clerk is directed to (i) terminate from the docket defendant Sergeant Siheed, and (ii) add Sergeant Sahad to the docket as a defendant.

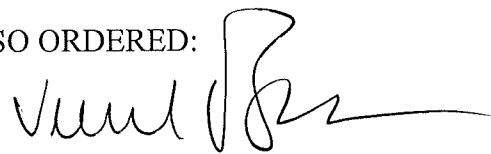
The Clerk is further directed to complete the USM-285 forms with the address for the listed defendant and deliver all documents necessary to effect service on this defendant to the U.S. Marshals Service.

Finally, the Clerk is directed to mail a copy of this Order to plaintiff at the address on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppededge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

Dated: February 12, 2020
White Plains, New York

SO ORDERED:



Vincent L. Briccetti
United States District Judge

APPENDIX

Sergeant Sahad
Willard Drug Treatment Center
7116 Co Rd 132
Willard, NY 14588